BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use	)	**ET Docket No. 94-32**
	)	
	)	
To: The Commission	)	

COMMENTS OF THE SOUTHERN COMPANY

The Southern Company ("Southern"), by its attorneys and pursuant to Section 1.415 of the Federal Communication Commission's rules, submits these Comments in response to the Notice of Inquiry ("NOI") adopted by the Federal Communications Commission ("FCC or Commission") on April 20, 1994 in the above-captioned proceeding.[1/]

I. PRELIMINARY STATEMENT

1. Southern is one of the largest utility holding companies in the United States. Through its wholly owned subsidiaries, it provides electricity and other utility services in Alabama, Georgia, southeastern Mississippi and

---

1/ 59 Fed. Reg. 25589 (May 17, 1994).

the panhandle of Florida.[2/] Within this 122,000 square mile expanse, Southern serves approximately 11 million people.

2. The NOI's purpose is to assist the Commission in deciding the most appropriate use for the 50 MHz of spectrum to be immediately reallocated from Federal Government use to private sector use in accordance with a mandate of the Omnibus Reconciliation Act of 1993.[3/] The Commission must allocate and propose regulations to assign the 50 MHz by February 10, 1995. The 50 MHz being "immediately reallocated" through this proceeding is part of a larger reallocation from the Federal Government of 200 MHz, which must be completed by January 2004. The 50 MHz reallocation is comprised of three bands: (1) 2390-2400 MHz; (2) 2402-2417 MHz; and (3) 4660-4685 MHz.[4/] According to the NOI, the Commission's goal is to ensure that the reallocated spectrum is used to: promote new and enhanced communications services; stimulate economic growth; create new jobs; and

---

[2/] Southern's subsidiaries include: (1) Alabama Power Company, (2) Georgia Power Company, (3) Gulf Power Company, (4) Mississippi Power Company, and (5) Savannah Electric & Power Company.

[3/] Omnibus Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6001(a)(3), 107 Stat. 312 (approved August 10, 1993); see also H.R. Rep. No. 103-213, 103rd Cong., 1st Sess. (1993).

[4/] NOI at ¶ 4.

aid the development of the National Information Infrastructure ("NII") by extending access to communications among schools, industry, health care facilities and the nation's communities.

3. Southern is concerned that the Commission may decide to curtail or shut down the operation of spread spectrum devices in the 2402-2417 MHz portion of the 50 MHz of reallocated spectrum. Southern opposes any proposals which seek to minimize the effectiveness of spread spectrum radios operating in the 2402-2417 MHz band. Any adverse effect to Southern's use, in the above-referenced band, of Western Multiplex LYNX T1 Spread Spectrum Radios ("LYNX") is of primary concern.

COMMENTS

A. As a Provider of Essential Services, Southern Needs Reliable and Easily Installed Spread Spectrum Communications Systems

4. Southern provides essential electric utility services to a major section of the southeast United States. In this regard, Southern employs an array of mobile and fixed, wireless and wireline communications systems to ensure that electricity can be delivered to hospitals, businesses and homes, 24 hours a day, 365 days a year.

5. Currently, Southern is in the final design stages of a multi-state, wide-area, 800 MHz system which will be employed throughout its operating territory. Southern's state-of-the-art system will include a master control facility, interconnection facilities utilizing microwave, landline and/or fiber optic links, and various management, maintenance, and operations systems. The system will also provide for traditional voice dispatch services, interconnection to the Public Switched Telephone Network and access to data gateways for personal computers and mobile data terminals.

6. This Southern system will meet its increasing communications requirements, and handle its extensive customer service dispatch operations. Southern primarily uses its communications systems to monitor power production and loads, enable its work crews to communicate with the company's headquarters when they are out in the field responding to power outages, handle service requests, and address related troubles. In this regard, the ability of Southern's employees to communicate at all times is essential in light of their frequent work in extremely hazardous situations, e.g., with high voltage wires. Additionally, the ability of the crews to respond quickly and efficiently to power outages is vital to Southern's customers, especially emergency care providers which depend on life support systems and emergency response equipment.

7. In planning its systems, Southern seeks to maintain a highly reliable, fast access, and interference-free communications network. Availability of effective and continuous communications during all situations is vitally important to the integrity of Southern's utility operations. Southern needs to maintain a seamless communications system that will allow for constant, uninterrupted communications across portions of the southeastern United States. The LYNX

radio is utilized in a variety of capacities to establish links in Southern's communications system.

8. Moreover, should a natural or man-made disaster such as a tornado or factory explosion disrupt this communications system, Southern needs the flexibility to be able to swiftly erect a reliable, unlicensed communications system. For example, the LYNX can be used to quickly link an 800 MHz trunked repeater site to wide area controllers, thus allowing for the uninterrupted flow of voice and data transmission while repairs are being made.[5/]

B. Licensed Services Should Not Be Added to the 2402-2417 MHz Band And Secondary Use by Part 15 Devices Should Continue

9. The 15 MHz allocation from 2402-2417 MHz is part of the Industrial, Scientific and Medical ("ISM") band. ISM devices are accorded primary status in this band.[6/] Part 15

5/ If spread spectrum devices, such as the LYNX, were not available in emergency situations, the delay in repairing a utility's system could result in unnecessary economic, environmental and structural damage to the affected communities. This result would not be in keeping with the Commission's goal of using the reallocated spectrum to bolster the nation's economy and use of the NII. NOI at ¶¶ 1, 4 and 9.

6/ 47 C.F.R. § 2.106.

devices, including the LYNX, have operated in this band without, to Southern's knowledge, any reported incidence of interference to ISM or any other devices.

10. The surrender of this 2402-2417 MHz band by the Federal Government is in many respects a "hollow" reallocation in that the Federal Government operations were always secondary to ISM. Therefore, no opening really exists for the introduction of a new licensed service in the 2402-2417 MHz band despite the Federal Government's vacation of the band. Moreover, short of taking the improvident step of also removing ISM from the 2400-2483.5 MHz band, there seems to be no prudent step available other than allowing the present use of the 2402-2417 MHz band to continue unchanged. Accordingly, changing the status of spread spectrum or ISM operations in this band is not warranted.

WHEREFORE, THE PREMISES CONSIDERED, Southern respectfully requests that the Commission act upon the Notice of Inquiry in a manner consistent with the views expressed herein.

Respectfully submitted,

SOUTHERN COMMUNICATIONS SERVICES

Carole C. Harris /mms

Carole C. Harris
Joseph M. Sandri, Jr.
KELLER AND HECKMAN
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
(202) 434-4100

Its Attorneys

Dated: June 15, 1994